

By Representative Suarez

1 A bill to be entitled
2 An act relating to Orange County; providing for
3 the relief of Maria Garcia, as legal guardian
4 of Delfina Benjumea, for injuries and damages
5 sustained by Delfina Benjumea as a result of
6 the negligence of the Orange County Sheriff's
7 Office; providing an effective date.
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9 WHEREAS, on July 11, 1996, Delfina Benjumea, an
10 82-year-old woman, had come to the Orlando area from Colombia
11 to visit her family, and
12 WHEREAS, while in Orlando, Ms. Benjumea participated in
13 a senior-citizen program run by the City of Orlando, and
14 WHEREAS, on July 11, 1996, a fellow participant in the
15 program gave Ms. Benjumea a ride from the center and
16 mistakenly left her at an apartment complex other than the one
17 in which her daughter resided, and
18 WHEREAS, in an effort to walk to her daughter's home,
19 Ms. Benjumea became lost, and a sheriff's deputy undertook to
20 drive her to adult protective services, and
21 WHEREAS, on the way to their destination, the deputy
22 rear-ended a 1992 Lexus automobile at such a speed as to cause
23 airbags in the sheriff's vehicle to deploy, and
24 WHEREAS, after the accident, Ms. Benjumea was evaluated
25 at a hospital for complaints of neck and back pain and
26 released, but, during the next several weeks, she experienced
27 increased headaches, dizziness, and confusion, and
28 WHEREAS, on August 3, 1996, Maria Garcia found her
29 mother lying in the grass in front of her apartment complex,
30 and Ms. Benjumea was taken to Florida Hospital South, where a
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1 CT Scan of the brain revealed very large bilateral subacute
2 subdural hematomas, and

3 WHEREAS, surgical procedures were performed to open the
4 skull and relieve the hematomas, and

5 WHEREAS, Ms. Benjumea was released from the hospital 3
6 days later but returned there in September 1996, because of
7 coagulation and clotting, and

8 WHEREAS, at a trial based on allegations that the
9 aforementioned accident had caused brain injury, a neurologist
10 testified that Ms. Benjumea had suffered a traumatic brain
11 injury with residual cognitive and behavioral impairment and
12 further concluded that Ms. Benjumea is totally incapacitated
13 and is in need of constant supervision, and

14 WHEREAS, a three-person medical panel, in connection
15 with Ms. Benjumea's guardianship proceeding in 1997, issued
16 findings consistent with the doctor's opinion, and

17 WHEREAS, at trial, a jury determined that the sheriff
18 was 100 percent at fault in the accident, and the jury awarded
19 Ms. Benjumea damages totaling \$384,433, including \$87,745 for
20 past medical expenses, \$172,000 for future medical expenses,
21 and \$124,688 for past and future pain and suffering, and

22 WHEREAS, plaintiff agreed to a remittitur post-trial,
23 and a final judgment in the amount of \$362,954, including
24 taxable costs, was entered in October, 1998, and

25 WHEREAS, the sheriff has tendered \$100,000 in
26 accordance with the limits on waiver of sovereign immunity
27 which are set forth in section 768.28, Florida Statutes, NOW,
28 THEREFORE,

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30 Be It Enacted by the Legislature of the State of Florida:

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1 Section 1. The facts stated in the preamble to this
2 act are found and declared to be true.

3 Section 2. The Orange County Sheriff's Office is
4 authorized and directed to appropriate from funds of the
5 sheriff's office not otherwise appropriated and to draw a
6 warrant in the sum of \$262,954 payable to Maria Garcia, as
7 legal guardian of Delfina Benjumea, to compensate Delfina
8 Benjumea for injuries and damages sustained as a result of the
9 negligence of an employee of the Orange County Sheriff's
10 Office.

11 Section 3. This act shall take effect upon becoming a
12 law.

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